IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6315 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

T M GOSWAMI

Versus

DISTRICT SUPDT OF POLICE

Appearance:

MR YN OZA for Petitioner

MR MUKESH PATEL for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 22/03/2001

ORAL JUDGEMENT

#. This petition was moved in 1988 with a prayer to set aside the order of suspension of the petitioner. After hearing the parties interim relief having the effect of staying the operation of the suspension order was granted. It was clarified that the respondents were at

liberty to move this court if the petitioner did not cooperate with the further progress of the contemplated departmental inquiry. Thus, the impugned order suspending the petitioner has not operated for over a period of 12 years. The learned AGP submitted that there were no fresh instructions regarding the matter and the respondents have preferred not to file any affidavit-in-reply. It appears that the allegations of serious misconduct were levelled against the petitioner but it is not revealed by either side as to what further actions are taken against the petitioner. Be that as it may, since the order of suspension has not operated for over 12 years, there is no justification for adjudicating its legality or allowing it to operate at this belated stage as submitted by the learned counsel. In this view of the matter, the petition has practically stood allowed and is required to be disposed now. The learned counsel for the petitioner has relied upon the unreported oral judgment of this Court dated 6.10.2000 in Spl.C.A. No.8005/1992 allowing the petition in similar circumstances. Accordingly, the petition is allowed in terms of the interim order. Rule is made absolute to the aforesaid extent with no order as to costs.

(D. H. WAGHELA, J.)

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